

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK NEILL,

Plaintiff,

v.

STEPHANIE CLENDENIN, et al.,

Defendants.

No. 1:23-cv-00910 GSA (PC)

ORDER DENYING PLAINTIFF'S REQUEST
FOR EXTENSION OF TIME

(ECF No. 16)

PLAINTIFF'S SHOWING OF CAUSE, OR IN
THE ALTERNATIVE HIS RESPONSE TO
DEFENDANTS' MOTION TO DISMISS,
STILL DUE **JUNE 13, 2024**

Plaintiff has filed a motion for a forty-five-day extension of time to file a response to Defendants' motion to dismiss. ECF No. 16. For the reasons stated below, the motion will be denied as moot.

I. PLAINTIFF'S EXTENSION OF TIME REQUEST

A review of Plaintiff's motion for an extension of time indicates that Plaintiff signed it on May 14, 2024. See id. at 1. One day later, on May 15, 2024, the Court issued an order directing Plaintiff to file a showing of cause stating why Defendants' motion to dismiss should not be granted. ECF No. 15. The order also permits Plaintiff to file a response to Defendants' motion in lieu of filing a showing of cause. Id. at 2. The Court's order grants Plaintiff thirty days – until June 13, 2024 – to respond. Id.

II. DISCUSSION

Given these facts, it appears that Plaintiff's request for an extension of time and the Court's order to show cause crossed in the mail. Because Plaintiff has already been granted an additional thirty days in which to file a response to Defendants' motion, Plaintiff's motion for an extension of time will be denied as moot as the thirty days should be sufficient time for Plaintiff to respond.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for a forty-five-day extension of time (ECF No. 16) is DENIED as MOOT, and

2. Plaintiff's order to show cause, or, in the alternative, his response to Defendants' motion to dismiss is still due by **June 13, 2024**.

Plaintiff is again cautioned that failure to comply with the Court's order to show cause within the time allotted may result in a recommendation that this matter be dismissed.

IT IS SO ORDERED.

Dated: May 20, 2024

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE